

punishment if the presiding judge determines that the case involved domestic violence (G.S. 15A-1382.1).

Case Law

- In imposing community service reparations or restitution, the court must consider the defendant's resources, ability to earn, support obligations, and any other factors affecting ability to pay. The amount of restitution must also be supported by the record. However, written findings are not required.¹
- Restitution may not include compensation for pain and suffering; it "is limited to quantifiable costs, income, and values of the kind set out in [G.S.] 15A-1340.35."²

Setting the Length of Probation *G.S. 15A-1342 and 15A-1343.2(d)*

Unless the court makes a specific finding that a longer or shorter term of probation necessary, the court shall impose a single term of supervised or unsupervised probation which is not less than 6 months and not more than 18 months. In no instance, however, can the length of probation exceed five years. The court may also delegate certain powers to the Division of Community Corrections as described in **Part III**.

Case Law

- Under G.S. 15A-1346, multiple sentences of probation must run concurrently.³
- Although the court may not impose consecutive periods of probation, it may order suspended sentences to run consecutively.⁴

¹ *State v. Mucci*, 163 N.C. App. 615, 594 S.E.2d 411 (2004).

² *State v. Wilson*, 158 N.C. App. 235, 580 S.E.2d 386 (2003).

³ *State v. Canady*, 153 N.C. App. 455, 570 S.E.2d 262 (2002).

⁴ *State v. Cousar*, 190 N.C. App. 750, 660 S.E.2d 902 (2008).